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TAGS: [CJAN](#) [CASC](#) [CPAS](#) [CVIS](#) [SNAR](#) [KCRM](#) [IS](#) [KU](#)  
SUBJECT: GOK CABINET APPROVES NEGOTIATIONS ON US/KUWAIT  
MUTUAL LEGAL ASSISTANCE TREATY

REF: STATE 42487

#### Summary

1. (U) On July 9 Department of Justice (DOJ) Attach (Cairo) Jeffrey Cole and Econoff met with Counselor Hamad Al-Marri, Deputy Director, Legal Department, Ministry of Foreign Affairs (MFA) to follow-up on previous discussions in March regarding promoting mutual legal assistance in criminal matters between the GOK and the USG. DOJ and Embassy officials met several times over the past year with GOK officials to discuss mutual cooperation in criminal matters, but were unsuccessful in reaching an agreement. While the Kuwaitis agreed to go forward with MLAT negotiations, they appear unwilling to provide assistance to the USG based on the United Nations Convention Against Corruption (UNCAC). The Kuwaitis noted that if an MLAT between the two nations were in place, they could provide us the assistance we required. Both DOJ and Econoff pointed out that it would be the first MLAT the United States would have with a country in the Gulf Region. End Summary.

#### Encouraging News

2. (U) During a very encouraging discussion on July 9 with Counselor Hamad Al-Marri, Deputy Director, Legal Department, MFA, Al-Marri told Mr. Cole and Econoff that the Cabinet Council had recently approved negotiating an MLAT with the United States and believed this would allow the USG access to the records it needed. (Note: Seeing the need to find a suitable mechanism for cooperation between governments, both parties agreed on the proposal for an MLAT during prior discussions in March 2008. End Note.) He said it appeared unlikely that the USG would receive assistance relying on UNCAC because, the assistance the USG wanted was in conflict with Kuwaiti domestic law. However, he believed that an MLAT would allow Kuwait to circumvent the domestic law issue. Al-Marri also mentioned Kuwait's interest in a civil and commercial treaty, but believed it was not of much interest to the United States at this time. Mr. Cole said he was encouraged by the news and thanked both Al-Marri and Dr. Al-Ansari for their efforts in promoting mutual legal assistance. He also explained that the USG had a process that it needed to go through before it could agree to negotiations, assuring them the USG had a vested interest in approving the MLAT.

#### Next Steps

3. (U) Counselor Al-Marri stated that the Kuwaiti Attorney General (AG) would issue a letter to the Embassy in Kuwait within one week asking that the USG move forward with MLAT negotiations. He also ensured Mr. Cole that MFA was working on updating a 15 year old draft of an MLAT (Note: Dr.

Al-Ansari claims that in the early nineties, the GOK proposed signing an MLAT with the USG, which he had drafted, but received no response. End Note.) and would deliver the document to the Embassy within one month. Econoff will follow-up with MFA on the letter from the AG and encourage completion of the MLAT by the GOK. Post will keep the Department and DOJ/OIA apprised of any further developments.

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